REPORTABLE

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Writ Petition (C) No. 888 of 2007

Date of Decision : 20-02-2007

RANJANA NARAYAN ..... Petitioner
Through Mr.Chandra Prakash, Advocate.

versus

BAL SAHYOG THR.ITS DIRECTOR G ..... Respondent
Through Mr.U.N.Tiwari, Advocate.

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the reporter or not ? Yes.
3. Whether the judgment should be reported in the `Digest?' Yes

REKHA SHARMA, J. (ORAL)

Smt.Ranjana Narayan, the petitioner herein, was appointed as Social Worker on 26.11.1996 in the respondent's organisation, namely, Bal Sahyog. It so happened that in August, 2001 she was assigned the additional responsibility of 'House Parent' and was also provided with one bed room flat in the main campus of Bal Sahyog. The petitioner is aggrieved by the order of the respondent dated 24.1.2007, whereby, the additional responsibility of 'House Parent' has been taken away from her and she has been asked to vacate the residential accommodation provided to her. The said order, however, clarifies

that she will continue to function as a Social Worker.

Although the writ petition proceeds on the basis that the order dated 24.1.2007 as it takes away the additional responsibility of a House Parent from the petitioner is bad for the reason that it causes aspersion on her for it is stated therein that she had not been performing the responsibility of a House Parent properly but, the underlying grievance appears to be the further order asking her to vacate the residential accommodation.

It is true that in the letter dated 24.1.2007 it has been stated that the petitioner has not been performing the responsibility of a House Parent properly but the petitioner, to my mind, can have no claim to continue as a House Parent because it was only an additional charge that was given to her and her actual appointment was as a Social Worker. It was, therefore, open to the respondent to take away the additional responsibility from its employee if it is not satisfied with his/her performance in that capacity. One could understand if the petitioner was being sought to be removed from her post as a Social Worker on account of her non-performance or under performance in that capacity. In that eventuality, the respondent may be required to give proper notice and to follow the procedure required under the rules to remove her from that post. Such a procedure would not be required to be followed in a case where an employee is only being relieved of the additional responsibility which was not the main responsibility for which he/she was appointed. The petitioner, therefore, cannot insist upon a show cause notice from the respondent

before being relieved from the responsibility of the additional charge. The rub of the matter appears to be the accommodation which was provided to the petitioner. According to learned counsel for the petitioner, the said accommodation was given to her prior to giving her the additional charge of a 'House Parent' whereas, as per the learned counsel for the respondent the accommodation was provided to her in order to enable her to discharge properly the responsibility of a House Parent as the House Parent is required to look after the children who reside in the hostel located in the premises. Therefore, it is submitted by learned counsel for the respondent that the accommodation so provided will be co-terminus with duties of a House Parent. Consequently, if the petitioner is relieved from the responsibility of a 'House Parent', she will cease to have the facility of the accommodation.

The case as initially set up by the petitioner in the writ petition has been that on August, 2001 the respondent after being satisfied with her sincerity and dedication assigned her the additional responsibility of a House Parent and provided her with one bed room flat in the campus of Bal Sahyog. However, she tried to change her stance in the rejoinder by stating that the accommodation was provided to her prior to her being given the responsibility of a House Parent. Be that as it may, for I do not want to be drawn into this disputed question of fact. It sounds to reason that the nature and the functions of a 'House Parent' are such that it would require an accommodation in the premises itself but once the person performing such responsibility has been relieved of the same, he/she would not be

entitled to the accommodation.

For the foregoing reasons, I do not find any merit in the writ petition. The same is dismissed. However, keeping in view the fact that it takes time to shift from one accommodation to another, I grant two months' time to the petitioner to make alternate arrangement.

REKHA SHARMA, J

FEBRUARY 20, 2007
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